

VZCZCXYZ0000  
PP RUEHWEB

DE RUEHBY #1201 3360630  
ZNY CCCCC ZZH  
P 010630Z DEC 08  
FM AMEMBASSY CANBERRA  
TO RUEHC/SECSTATE WASHDC PRIORITY 0595  
INFO RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY

C O N F I D E N T I A L CANBERRA 001201

SENSITIVE  
NOFORN  
SIPDIS

DEPARTMENT FOR PM/WRA KATHERINE BAKER AND SHO MORIMOTO,  
EAP/ANP

E.O. 12958: DECL: 11/30/2018  
TAGS: [PARM](#) [MOPS](#) [PREL](#) [NATO](#) [AS](#)  
SUBJECT: AUSTRALIA PREPARES TO SIGN CONVENTION ON CLUSTER  
MUNITIONS

REF: A. STATE 125625  
[1](#)B. STATE 125608  
[1](#)C. STATE 125512

Classified By: Acting Political Counselor John W. Crowley for reasons 1  
.4(b) and (d)

[1](#)1. (C/NF) Gerry McGuire, Director, Arms Control and Counter-Proliferation Branch, Department of Foreign Affairs and Trade (DFAT), confirmed Foreign Minister Smith will sign the Convention on Cluster Munitions (CCM) in Oslo this week. He advised that the Australian Department of Defence and Attorney General's offices continue to discuss practical legal and policy implementation issues, particularly those related to Australian personnel imbedded with U.S. forces. Once signed, the CCM will be referred to the GOA Joint Standing Committee on Treaties (JSCOT) for review, followed by drafting of new legislation. McGuire indicated the convention will undergo public scrutiny during these processes and the current legal review will prepare government officials to articulate legal and policy interpretations. Issues which may be politically contentious include participation by Australian exchange personnel in planning military operations using cluster munitions or training others in the use of cluster munitions.

[1](#)2. (C/NF) McGuire shared that initial communications with Gustavo Ainchil from Argentina, the new chair of the Group of Governmental Experts (GGE) of the Convention on Certain Conventional Weapons (CCW), indicate that new text may be required for discussions in 2009, as the old text is considered "dead". According to McGuire, Ainchil also observed that NGO's and the Group of 25 need to be realistic about the CCW efforts on cluster munitions, which can affect 50 percent of the world's arsenal whereas the CCM has comparatively little or no impact.

MCCALLUM